

Bill No. HB 1883

Amendment No.      Barcode 891728

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 16.061, Florida Statutes, is amended to read:

16.061 Initiative petitions ~~Proposed constitutional revisions or amendments.--~~

(1) The Attorney General shall, within 30 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, petition the Supreme Court, requesting an advisory opinion regarding the compliance of the text of the proposed amendment or revision with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with s. 101.161. The Attorney General shall, within 30 days after receipt of the initiative petition's fiscal impact statement or revised fiscal impact statement from the Revenue Estimating Conference, or immediately after

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1 receipt if received less than 120 days before the election at  
 2 which the question of ratifying the amendment will be  
 3 presented, petition the Supreme Court requesting an advisory  
 4 opinion regarding compliance of the statement with s.  
 5 100.371(6). ~~and the compliance of the fiscal impact statement~~  
 6 ~~with ss. 100.371 and 101.161. For all other proposed revisions~~  
 7 ~~or amendments to the State Constitution, the Attorney General~~  
 8 ~~shall, upon the Revenue Estimating Conference finalizing the~~  
 9 ~~fiscal impact statement, petition the Supreme Court requesting~~  
 10 ~~an advisory opinion regarding compliance of the text of the~~  
 11 ~~fiscal impact statement with ss. 100.371, 100.381, and~~  
 12 ~~101.161.~~ The petition may enumerate any specific factual  
 13 issues which the Attorney General believes would require a  
 14 judicial determination.

15 (2) A copy of the petition shall be provided to the  
 16 Secretary of State and the principal officer of the sponsor.

17 ~~(3) Any fiscal impact statement that the court finds~~  
 18 ~~not to be in accordance with s. 100.371, s. 100.381, or s.~~  
 19 ~~101.161 shall be remanded solely to the Revenue Estimating~~  
 20 ~~Conference for redrafting.~~

21 Section 2. Subsections (6) and (7) of section 100.371,  
 22 Florida Statutes, are amended to read:

23 100.371 Initiatives; procedure for placement on  
 24 ballot.--

25 (6)(a) Within 45 days after receipt of a proposed  
 26 revision or amendment to the State Constitution by initiative  
 27 petition from the Secretary of State, or within 30 days after  
 28 such receipt if receipt occurs 120 days or less before the  
 29 election at which the question of ratifying the amendment will  
 30 be presented, ~~for any initiative approved by the Florida~~  
 31 ~~Supreme Court for the general election ballot for 2002, within~~

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1 ~~45 days after the effective date of this subsection, whichever~~  
2 ~~occurs later~~, the Revenue Estimating Conference shall complete  
3 an analysis and fiscal impact statement to be placed on the  
4 ballot of the estimated increase or decrease in any revenues  
5 or costs to state or local governments resulting from the  
6 proposed initiative. The Revenue Estimating Conference shall  
7 provide an opportunity for any proponents or opponents of the  
8 initiative to submit information and may solicit information  
9 or analysis from any other entities or agencies, including the  
10 Office of Economic and Demographic Research.

11 (b)1. Members of the Revenue Estimating Conference  
12 shall reach a consensus or majority concurrence on a clear and  
13 unambiguous fiscal impact statement, no more than 50 words in  
14 length and immediately submit the statement to the Attorney  
15 General. Nothing in this subsection prohibits the Revenue  
16 Estimating Conference from setting forth a range of potential  
17 impacts in the fiscal impact statement. ~~Any fiscal impact~~  
18 ~~statement that a court finds not to be in accordance with this~~  
19 ~~section, s. 100.381, or s. 101.161 shall be remanded solely to~~  
20 ~~the Revenue Estimating Conference for redrafting. The Revenue~~  
21 ~~Estimating Conference shall redraft the fiscal impact~~  
22 ~~statement within 15 days.~~

23 2. If the members of the Revenue Estimating Conference  
24 are unable to agree on the statement required by this  
25 subsection, the following statement shall appear on the ballot  
26 pursuant to s. 101.161(1): "The fiscal impact of this measure,  
27 if any, cannot be reasonably determined at this time."

28 3. Any fiscal impact statement that the Supreme Court  
29 finds not to be in accordance with this subsection shall be  
30 remanded solely to the Revenue Estimating Conference for  
31 redrafting, provided the court's advisory opinion is rendered

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1 at least 75 days before the election at which the question of  
 2 ratifying the amendment will be presented. The Revenue  
 3 Estimating Conference shall prepare and adopt a revised fiscal  
 4 impact statement no later than 5 p.m. on the 15th day after  
 5 the date of the court's opinion.

6 4. If, by 5 p.m. on the 55th day before the election,  
 7 the Supreme Court has not issued an advisory opinion approving  
 8 a fiscal impact statement prepared by the Revenue Estimating  
 9 Conference for an initiative amendment that otherwise meets  
 10 the legal requirements for ballot placement, the following  
 11 statement shall appear on the ballot pursuant to s.

12 101.161(1): "Due to time constraints, the fiscal impact of  
 13 this measure, if any, could not be included on the ballot."

14 5. If, by 5 p.m. on the 55th day before the general  
 15 election, the Supreme Court has not issued an advisory opinion  
 16 approving a fiscal impact statement prepared by the Revenue  
 17 Estimating Conference for an initiative amendment that  
 18 otherwise meets the legal requirements for ballot placement at  
 19 the general election, the following statement shall appear on  
 20 the advance general election absentee ballot pursuant to s.

21 101.161(1): "Due to time constraints, the fiscal impact of  
 22 this measure, if any, could not be included on the ballot."

23 ~~(c) The fiscal impact statement must be separately~~  
 24 ~~contained and be set forth after the ballot summary as~~  
 25 ~~required in s. 101.161(1).~~

26 (7) The Department of State may adopt rules in  
 27 accordance with s. 120.54 to carry out the provisions of  
 28 subsections (1)-(5) of this section.

29 Section 3. Section 100.381, Florida Statutes, is  
 30 repealed.

31 Section 4. Subsection (1) of section 101.161, Florida

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1 Statutes, is amended to read:

2 101.161 Referenda; ballots.--

3 (1) Whenever a constitutional amendment or other  
 4 public measure is submitted to the vote of the people, the  
 5 substance of such amendment or other public measure shall be  
 6 printed in clear and unambiguous language on the ballot after  
 7 the list of candidates, followed by the word "yes" and also by  
 8 the word "no," and shall be styled in such a manner that a  
 9 "yes" vote will indicate approval of the proposal and a "no"  
 10 vote will indicate rejection. The wording of the substance of  
 11 the amendment or other public measure and the ballot title to  
 12 appear on the ballot shall be embodied in the joint  
 13 resolution, constitutional revision commission proposal,  
 14 constitutional convention proposal, taxation and budget reform  
 15 commission proposal, or enabling resolution or ordinance.  
 16 Except for amendments and ballot language proposed by joint  
 17 resolution, the substance of the amendment or other public  
 18 measure shall be an explanatory statement, not exceeding 75  
 19 words in length, of the chief purpose of the measure. In  
 20 addition, the ballot shall include following the ballot  
 21 summary a separate fiscal impact statement concerning the  
 22 measure prepared by the Revenue Estimating Conference in  
 23 accordance with s. 100.371(6) ~~or s. 100.381~~. The ballot title  
 24 shall consist of a caption, not exceeding 15 words in length  
 25 by which the measure is commonly referred to or spoken of.

26 Section 5. Paragraph (a) of subsection (4) of section  
 27 101.62, Florida Statutes, is amended to read:

28 101.62 Request for absentee ballots.--

29 (4)(a) To each absent qualified elector overseas who  
 30 has requested an absentee ballot, the supervisor of elections  
 31 shall, not fewer than 35 days before the first primary

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1 election, mail an absentee ballot. Not fewer than 45 days  
2 before the second primary and general election, the supervisor  
3 of elections shall mail an advance absentee ballot to those  
4 persons requesting ballots for such elections. The advance  
5 absentee ballot for the second primary shall be the same as  
6 the first primary absentee ballot as to the names of  
7 candidates, except that for any offices where there are only  
8 two candidates, those offices and all political party  
9 executive committee offices shall be omitted. Except as  
10 provided in ss. ~~s.~~ 99.063(4) and 100.371(6)(b)5., the advance  
11 absentee ballot for the general election shall be as specified  
12 in s. 101.151, except that in the case of candidates of  
13 political parties where nominations were not made in the first  
14 primary, the names of the candidates placing first and second  
15 in the first primary election shall be printed on the advance  
16 absentee ballot. The advance absentee ballot or advance  
17 absentee ballot information booklet shall be of a different  
18 color for each election and also a different color from the  
19 absentee ballots for the first primary, second primary, and  
20 general election. The supervisor shall mail an advance  
21 absentee ballot for the second primary and general election to  
22 each qualified absent elector for whom a request is received  
23 until the absentee ballots are printed. The supervisor shall  
24 enclose with the advance second primary absentee ballot and  
25 advance general election absentee ballot an explanation  
26 stating that the absentee ballot for the election will be  
27 mailed as soon as it is printed; and, if both the advance  
28 absentee ballot and the absentee ballot for the election are  
29 returned in time to be counted, only the absentee ballot will  
30 be counted. The Department of State may prescribe by rule the  
31 requirements for preparing and mailing absentee ballots to

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1 absent qualified electors overseas.

2 Section 6. For the purpose of incorporating the  
3 amendments of sections 100.371 and 101.161, Florida Statutes,  
4 in references thereto, section 15.21, Florida Statutes, is  
5 reenacted to read:

6 15.21 Initiative petitions; s. 3, Art. XI, State  
7 Constitution.--The Secretary of State shall immediately submit  
8 an initiative petition to the Attorney General and to the  
9 Revenue Estimating Conference if the sponsor has:

10 (1) Registered as a political committee pursuant to s.  
11 106.03;

12 (2) Submitted the ballot title, substance, and text of  
13 the proposed revision or amendment to the Secretary of State  
14 pursuant to ss. 100.371 and 101.161; and

15 (3) Obtained a letter from the Division of Elections  
16 confirming that the sponsor has submitted to the appropriate  
17 supervisors for verification, and the supervisors have  
18 verified, forms signed and dated equal to 10 percent of the  
19 number of electors statewide and in at least one-fourth of the  
20 congressional districts required by s. 3, Art. XI of the State  
21 Constitution.

22 Section 7. For the purpose of incorporating amendments  
23 to section 100.371, Florida Statutes, in references thereto,  
24 paragraph (a) of subsection (3) of section 216.136, Florida  
25 Statutes, is reenacted to read:

26 216.136 Consensus estimating conferences; duties and  
27 principals.--

28 (3) REVENUE ESTIMATING CONFERENCE.--

29 (a) Duties.--The Revenue Estimating Conference shall  
30 develop such official information with respect to anticipated  
31 state and local government revenues as the conference

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1 determines is needed for the state planning and budgeting  
2 system. Any principal may request the conference to review  
3 and estimate revenues for any trust fund. Also, the conference  
4 shall prepare fiscal impact statements for constitutional  
5 amendments pursuant to s. 100.371(6).

6 Section 8. The Secretary of State shall immediately  
7 submit to the Revenue Estimating Conference any active  
8 initiative petition that met the requirements of section  
9 15.21, Florida Statutes, before the effective date of this  
10 act.

11 Section 9. This act does not apply to any  
12 constitutional amendment proposed by initiative which has been  
13 certified for ballot position by the Secretary of State before  
14 the effective date of this act.

15 Section 10. This act shall take effect July 2, 2003.

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

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22 and insert:

23 An act relating to constitutional amendments;  
24 amending s. 16.061, F.S.; requiring the  
25 Attorney General to immediately petition the  
26 Supreme Court for review of certain fiscal  
27 impact statements; deleting duties of the  
28 Attorney General with respect to constitutional  
29 amendments proposed other than by initiative;  
30 amending s. 100.371, F.S.; revising times  
31 within which the Revenue Estimating Conference



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1 must complete its analysis and fiscal impact  
2 statement for amendments proposed by  
3 initiative; prescribing ballot language to be  
4 used if a fiscal impact statement is not timely  
5 approved by the Supreme Court; repealing s.  
6 100.381, F.S., relating to fiscal impact  
7 statement requirements for amendments proposed  
8 other than by initiative; amending s. 101.161,  
9 F.S.; prescribing placement of the fiscal  
10 impact statement on the ballot; amending s.  
11 101.62, F.S., relating to absentee ballots, to  
12 conform; reenacting ss. 15.21, 216.136(3)(a),  
13 F.S., to conform to the changes by this act;  
14 providing procedures for commencing the fiscal  
15 impact statement development and review process  
16 for certain proposed initiatives; exempting  
17 certain proposed initiatives from the fiscal  
18 impact statement requirement; providing an  
19 effective date.

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